

Senate File 509 - Reprinted

SENATE FILE 509
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 1192)

(As Amended and Passed by the Senate March 21, 2011)

A BILL FOR

1 An Act relating to and making appropriations involving state
2 government entities involved with agriculture, natural
3 resources, and environmental protection, and including
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
GENERAL APPROPRIATIONS

Section 1. GENERAL FUND — DEPARTMENT.

1. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For purposes of supporting the department, including its divisions, for administration, regulation, and programs; for salaries, support, maintenance, and miscellaneous purposes; and for not more than the following full-time equivalent positions:
..... \$ 16,872,308
..... FTEs 345.00

2. The department shall submit a report each quarter of the fiscal year to the legislative services agency, the department of management, the members of the joint appropriations subcommittee on agriculture and natural resources, and the chairpersons and ranking members of the senate and house committees on appropriations. The report shall describe in detail the expenditure of moneys appropriated in this section to support the department's administration, regulation, and programs.

3. Of the amount appropriated in this section, \$238,000 is transferred to Iowa state university of science and technology, to be used for the university's midwest grape and wine industry institute.

DESIGNATED APPROPRIATIONS — ANIMAL HUSBANDRY

Sec. 2. UNCLAIMED PARI-MUTUEL WAGERING WINNINGS — HORSE AND DOG RACING. There is appropriated from the moneys available under section 99D.13 to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes

1 designated:

2 For purposes of supporting the department's administration
3 and enforcement of horse and dog racing law pursuant to section
4 99D.22, including for salaries, support, maintenance, and
5 miscellaneous purposes:

6 \$ 305,516

7 DESIGNATED APPROPRIATIONS — MOTOR FUEL

8 Sec. 3. RENEWABLE FUEL INFRASTRUCTURE FUND — MOTOR
9 FUEL INSPECTION. There is appropriated from the renewable
10 fuel infrastructure fund created in section 15G.205 to the
11 department of agriculture and land stewardship for the fiscal
12 year beginning July 1, 2011, and ending June 30, 2012, the
13 following amount, or so much thereof as is necessary, to be
14 used for the purposes designated:

15 For purposes of the inspection of motor fuel, including
16 salaries, support, maintenance, and miscellaneous purposes:
17 \$ 500,000

18 The department shall establish and administer programs
19 for the auditing of motor fuel including biofuel processing
20 and production plants, for screening and testing motor fuel,
21 including renewable fuel, and for the inspection of motor fuel
22 sold by dealers including retail dealers who sell and dispense
23 motor fuel from motor fuel pumps.

24 DESIGNATED APPROPRIATIONS — LOCAL FOOD AND FARM COORDINATOR

25 Sec. 4. APPROPRIATION — DEPARTMENT OF AGRICULTURE AND LAND
26 STEWARDSHIP — LOCAL FOOD AND FARM PROGRAM COORDINATOR.

27 1. If 2011 Iowa Acts, Senate File 441, is enacted, there
28 is appropriated from the general fund of the state to the
29 department of agriculture and land stewardship for the fiscal
30 year beginning July 1, 2011, and ending June 30, 2012, the
31 following amount, or so much thereof as is necessary, to be
32 used for the purposes designated:

33 For purposes of supporting a local food and farm program
34 coordinator as provided in 2011 Iowa Acts, Senate File 441, for
35 salaries, support, maintenance, and miscellaneous purposes, and

1 for not more than the following full-time equivalent positions:
 2 \$ 75,000
 3 FTEs 1.00

4 2. The department shall enter into a cost-sharing agreement
 5 with a state board of regents institution to support the
 6 coordinator. The coordinator shall be stationed at that state
 7 board of regents institution as provided in 2011 Iowa Acts,
 8 Senate File 441.

9 DESIGNATED APPROPRIATIONS — AGRICULTURAL EDUCATION

10 Sec. 5. AGRICULTURAL EDUCATION. There is appropriated from
 11 the general fund of the state to the department of agriculture
 12 and land stewardship for the fiscal year beginning July 1,
 13 2011, and ending June 30, 2012, the following amount, or so
 14 much thereof as is necessary, to be used for the purposes
 15 designated:

16 For purposes of allocating moneys to an Iowa association
 17 affiliated with a national organization which promotes
 18 agricultural education providing for future farmers:

19 \$ 25,000

20 DIVISION II

21 DEPARTMENT OF NATURAL RESOURCES

22 GENERAL APPROPRIATIONS

23 Sec. 6. GENERAL FUND — DEPARTMENT.

24 1. There is appropriated from the general fund of the state
 25 to the department of natural resources for the fiscal year
 26 beginning July 1, 2011, and ending June 30, 2012, the following
 27 amount, or so much thereof as is necessary, to be used for the
 28 purposes designated:

29 For purposes of supporting the department, including its
 30 divisions, for administration, regulation, and programs; for
 31 salaries, support, maintenance, and miscellaneous purposes; and
 32 for not more than the following full-time equivalent positions:
 33 \$ 12,716,688
 34 FTEs 1,145.95

35 2. The department shall submit a report each quarter of the

1 fiscal year to the legislative services agency, the department
2 of management, the members of the joint appropriations
3 subcommittee on agriculture and natural resources, and the
4 chairpersons and ranking members of the senate and house
5 committees on appropriations. The report shall describe in
6 detail the expenditure of moneys appropriated under this
7 section to support the department's administration, regulation,
8 and programs.

9 Sec. 7. STATE FISH AND GAME PROTECTION FUND — DIVISION OF
10 FISH AND WILDLIFE.

11 1. There is appropriated from the state fish and game
12 protection fund to the department of natural resources for the
13 fiscal year beginning July 1, 2011, and ending June 30, 2012,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purposes designated:

16 For purposes of supporting the division of fish and
17 wildlife, including for administration, regulation, and
18 programs; and for salaries, support, maintenance, equipment,
19 and miscellaneous purposes:
20 \$ 38,793,154

21 2. Notwithstanding section 455A.10, the department may use
22 the unappropriated balance remaining in the state fish and
23 game protection fund for the fiscal year beginning July 1,
24 2011, and ending June 30, 2012, to provide for the funding of
25 health and life insurance premium payments from unused sick
26 leave balances of conservation peace officers employed in a
27 protection occupation who retire, pursuant to section 97B.49B.

28 3. Notwithstanding section 455A.10, the department of
29 natural resources may use the unappropriated balance remaining
30 in the state fish and game protection fund for the fiscal
31 year beginning July 1, 2011, and ending June 30, 2012, as is
32 necessary to fund salary adjustments for departmental employees
33 which the general assembly has made an operating budget
34 appropriation for in subsection 1.

35 Sec. 8. GROUNDWATER PROTECTION FUND — WATER QUALITY. There

1 is appropriated from the groundwater protection fund created
2 in section 455E.11 to the department of natural resources for
3 the fiscal year beginning July 1, 2011, and ending June 30,
4 2012, from those moneys which are not allocated pursuant to
5 that section, the following amount, or so much thereof as is
6 necessary, to be used for the purposes designated:

7 For purposes of supporting the department's protection
8 of the state's groundwater, including for administration,
9 regulation, and programs, and for salaries, support,
10 maintenance, equipment, and miscellaneous purposes:
11 \$ 3,455,832

12 DESIGNATED APPROPRIATIONS — MISCELLANEOUS

13 Sec. 9. SPECIAL SNOWMOBILE FUND — SNOWMOBILE
14 PROGRAM. There is appropriated from the special snowmobile
15 fund created under section 321G.7 to the department of natural
16 resources for the fiscal year beginning July 1, 2011, and
17 ending June 30, 2012, the following amount, or so much thereof
18 as is necessary, to be used for the purpose designated:

19 For purposes of administering and enforcing the state
20 snowmobile programs:
21 \$ 100,000

22 Sec. 10. UNASSIGNED REVENUE FUND — UNDERGROUND STORAGE
23 TANK SECTION EXPENSES. There is appropriated from the
24 unassigned revenue fund administered by the Iowa comprehensive
25 underground storage tank fund board to the department of
26 natural resources for the fiscal year beginning July 1, 2011,
27 and ending June 30, 2012, the following amount, or so much
28 thereof as is necessary, to be used for the purpose designated:

29 For purposes of paying for administration expenses of the
30 department's underground storage tank section:
31 \$ 200,000

32 Sec. 11. STORM WATER DISCHARGE PERMIT FEES — SUPPORT FOR
33 SPECIAL PURPOSES. Notwithstanding any contrary provision of
34 state law, for the fiscal year beginning July 1, 2011, and
35 ending June 30, 2012, the department of natural resources may

1 use additional moneys available to the department collected
2 from storm water discharge permit fees as provided in sections
3 455B.103A and 455B.197 for the staffing of the following
4 additional full-time equivalent positions for the purposes
5 designated:

6 1. For purposes of reducing the department's floodplain
7 permit backlog:

8 FTEs 2.00

9 2. For purposes of implementing the federal total maximum
10 daily load program:

11 FTEs 2.00

12 DIVISION III

13 ELIMINATION OF POSITION AND EXPENDITURE OF MONEYS

14 Sec. 12. ELIMINATION OF CHIEF AND ASSISTANT CHIEF OF
15 THE LAW ENFORCEMENT BUREAU OF THE DEPARTMENT OF NATURAL
16 RESOURCES. Effective July 1, 2011, the position of assistant
17 chief of the law enforcement bureau of the department of
18 natural resources is eliminated.

19 Sec. 13. USE OF MONEYS SAVED FROM THE ELIMINATION OF
20 POSITION — ADDITIONAL CONSERVATION OFFICER. For the fiscal
21 year beginning July 1, 2011, and ending June 30, 2012, the
22 department of natural resources shall use moneys saved by the
23 elimination of the position of assistant chief of the law
24 enforcement bureau of the department of natural resources
25 as provided in this division for purposes of supporting an
26 additional full-time equivalent position including salaries,
27 support, maintenance, and miscellaneous purposes. The
28 full-time equivalent position shall be a conservation officer
29 assigned to field duties.

30 DIVISION IV

31 IOWA STATE UNIVERSITY

32 Sec. 14. GENERAL FUND — VETERINARY DIAGNOSTIC LABORATORY.

33 1. There is appropriated from the general fund of the state
34 to Iowa state university of science and technology for the
35 fiscal year beginning July 1, 2011, and ending June 30, 2012,

1 the following amount, or so much thereof as is necessary, to be
2 used for the purposes designated:

3 For purposes of supporting the college of veterinary
4 medicine for the operation of the veterinary diagnostic
5 laboratory and for not more than the following full-time
6 equivalent positions:

7	\$	3,237,636
8	FTEs	44.00

9 2. a. Iowa state university of science and technology
10 shall not reduce the amount that it allocates to support the
11 college of veterinary medicine from any other source due to the
12 appropriation made in this section.

13 b. Paragraph "a" does not apply to a reduction made to
14 support the college of veterinary medicine, if the same
15 percentage of reduction imposed on the college of veterinary
16 medicine is also imposed on all of Iowa state university's
17 budget units.

18 3. If by June 30, 2012, Iowa state university of science and
19 technology fails to allocate the moneys appropriated in this
20 section to the college of veterinary medicine in accordance
21 with this section, the moneys appropriated in this section for
22 that fiscal year shall revert to the general fund of the state.

23 DIVISION V

24 ENVIRONMENT FIRST FUND — GENERAL APPROPRIATIONS

25 Sec. 15. DEPARTMENT OF AGRICULTURE AND LAND

26 STEWARDSHIP. There is appropriated from the environment first
27 fund created in section 8.57A to the department of agriculture
28 and land stewardship for the fiscal year beginning July 1,
29 2011, and ending June 30, 2012, the following amounts, or so
30 much thereof as is necessary, to be used for the purposes
31 designated:

32 1. CONSERVATION RESERVE ENHANCEMENT PROGRAM (CREP)

33 a. For the conservation reserve enhancement program to
34 restore and construct wetlands for the purposes of intercepting
35 tile line runoff, reducing nutrient loss, improving water

1 quality, and enhancing agricultural production practices:
2 \$ 1,000,000

3 b. Not more than 10 percent of the moneys appropriated
4 in paragraph "a" may be used for costs of administration and
5 implementation of soil and water conservation practices.

6 c. Notwithstanding any other provision in law, the
7 department may provide state resources from this appropriation,
8 in combination with other appropriate environment first
9 fund appropriations, for cost sharing to match United States
10 department of agriculture, natural resources conservation
11 service, wetlands reserve enhancement program (WREP) funding
12 available to Iowa.

13 2. WATERSHED PROTECTION

14 a. For continuation of a program that provides
15 multiobjective resource protections for flood control, water
16 quality, erosion control, and natural resource conservation:
17 \$ 900,000

18 b. Not more than 10 percent of the moneys appropriated
19 in paragraph "a" may be used for costs of administration and
20 implementation of soil and water conservation practices.

21 3. FARM MANAGEMENT DEMONSTRATION PROGRAM

22 a. For continuation of a statewide voluntary farm
23 management demonstration program to demonstrate the
24 effectiveness and adaptability of emerging practices in
25 agronomy that protect water resources and provide other
26 environmental benefits:
27 \$ 725,000

28 b. Not more than 10 percent of the moneys appropriated
29 in paragraph "a" may be used for costs of administration and
30 implementation of soil and water conservation practices.

31 c. Of the amount appropriated in paragraph "a", \$400,000
32 shall be allocated to an organization representing soybean
33 growers to provide for an agriculture and environment
34 performance program in order to carry out the purposes of this
35 subsection as specified in paragraph "a".

1 4. SOIL AND WATER CONSERVATION — ADMINISTRATION

2 For use by the department for costs of administration and
3 implementation of soil and water conservation practices:

4 \$ 2,000,000

5 5. CONSERVATION RESERVE PROGRAM (CRP)

6 a. To encourage and assist farmers in enrolling in and the
7 implementation of the federal conservation reserve program and
8 to work with them to enhance their revegetation efforts to
9 improve water quality and habitat:

10 \$ 1,000,000

11 b. Not more than 10 percent of the moneys appropriated
12 in paragraph "a" may be used for costs of administration and
13 implementation of soil and water conservation practices.

14 6. LOESS HILLS DEVELOPMENT AND CONSERVATION FUND

15 a. For deposit in the loess hills development and
16 conservation fund created in section 161D.2:

17 \$ 300,000

18 b. (1) Of the amount appropriated in paragraph "a",
19 \$200,000 shall be allocated to the fund's hungry canyons
20 account.

21 (2) Not more than 10 percent of the moneys allocated to the
22 hungry canyons account as provided in subparagraph (1) may be
23 used for administrative costs.

24 c. (1) Of the amount appropriated in paragraph "a",
25 \$100,000 shall be allocated to the fund's loess hills alliance
26 account.

27 (2) Not more than 10 percent of the moneys allocated to the
28 loess hills alliance account as provided in subparagraph (1)
29 may be used for administrative costs.

30 7. SOIL AND WATER CONSERVATION

31 a. For use by the department in providing for soil and
32 water conservation administration, the conservation of soil and
33 water resources, or the support of soil and water conservation
34 district commissioners:

35 \$ 6,300,000

1 b. The department may deposit any amount of the moneys into
2 the Mississippi river basin healthy watersheds initiative fund
3 created in section 161G.2.

4 Sec. 16. DEPARTMENT OF NATURAL RESOURCES. There is
5 appropriated from the environment first fund created in section
6 8.57A to the department of natural resources for the fiscal
7 year beginning July 1, 2011, and ending June 30, 2012, the
8 following amounts, or so much thereof as is necessary, to be
9 used for the purposes designated:

10 1. KEEPERS OF THE LAND

11 For statewide coordination of volunteer efforts under the
12 water quality and keepers of the land programs:

13 \$ 100,000

14 2. STATE PARKS MAINTENANCE AND OPERATIONS

15 For regular maintenance of state parks and staff time
16 associated with these activities:

17 \$ 3,110,000

18 3. FORESTRY MANAGEMENT

19 To provide for forestry health management programs:

20 \$ 100,000

21 4. GEOGRAPHIC INFORMATION SYSTEM (GIS)

22 To provide local watershed managers with geographic
23 information system data for their use in developing,
24 monitoring, and displaying results of their watershed work:

25 \$ 195,000

26 5. WATER QUALITY MONITORING

27 For continuing the establishment and operation of water
28 quality monitoring stations:

29 \$ 2,955,000

30 6. PUBLIC WATER SUPPLY SYSTEM ACCOUNT

31 For deposit in the public water supply system account of the
32 water quality protection fund created in section 455B.183A:

33 \$ 500,000

34 7. REGULATION OF ANIMAL FEEDING OPERATIONS

35 For the regulation of animal feeding operations, including

1 as provided for in chapters 459 and 459A:
2 \$ 520,000

3 8. AMBIENT AIR QUALITY

4 For the abatement, control, and prevention of ambient
5 air pollution in this state, including measures as necessary
6 to assure attainment and maintenance of ambient air quality
7 standards from particulate matter:
8 \$ 425,000

9 9. WATER QUANTITY REGULATION

10 For regulating water quantity from surface and subsurface
11 sources by providing for the allocation and use of water
12 resources, the protection and management of water resources,
13 and the preclusion of conflicts among users of water resources,
14 including as provided in chapter 455B, division III, part 4:
15 \$ 495,000

16 Sec. 17. REVERSION. Notwithstanding section 8.33,
17 moneys appropriated for the fiscal year beginning July 1,
18 2011, in this division of this Act that remain unencumbered
19 or unobligated at the close of the fiscal year shall not
20 revert but shall remain available to be used for the purposes
21 designated until the close of the fiscal year beginning July 1,
22 2012, or until the project for which the appropriation was made
23 is completed, whichever is earlier.

24 DIVISION VI

25 RESOURCES ENHANCEMENT

26 AND PROTECTION (REAP) FUND

27 Sec. 18. ENVIRONMENT FIRST FUND. Notwithstanding the
28 amount of the standing appropriation from the general fund of
29 the state to the Iowa resources enhancement and protection
30 fund as provided in section 455A.18, there is appropriated
31 from the environment first fund created in section 8.57A to
32 the Iowa resources enhancement and protection fund, in lieu of
33 the appropriation made in section 455A.18, for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the following
35 amount, to be allocated as provided in section 455A.19:

1 \$ 12,375,000

2 DIVISION VII

3 RELATED MISCELLANEOUS PROVISIONS

4 Sec. 19. AGRICULTURAL DRAINAGE WELL CLOSURE — REPORT. The
5 department of agriculture and land stewardship shall prepare
6 a report regarding agricultural drainage wells that have not
7 been closed as provided in chapter 460. The report shall
8 include an inventory of agricultural drainage wells that remain
9 unclosed, a projected timeline for closing the agricultural
10 drainage wells, and an estimate of the costs for closing each
11 agricultural drainage well. The department shall submit the
12 report to the governor and fiscal services division of the
13 legislative services agency not later than November 15, 2011.

14 DIVISION VIII

15 RELATED STATUTORY CHANGES

16 Sec. 20. Section 455E.11, subsection 2, paragraph a,
17 subparagraph (1), subparagraph division (a), subparagraph
18 subdivision (ii), subparagraph part (B), Code 2011, is amended
19 to read as follows:

20 (B) Expend not more than fifty percent of the moneys
21 for a community partnership program designed to support
22 community beautification projects ~~including the deconstruction,~~
23 ~~renovation, or removal of derelict buildings.~~ Eligible
24 ~~communities are limited to cities of five thousand or fewer in~~
25 ~~population. Eligible costs shall include but are not limited~~
26 ~~to asbestos abatement and removal, the recovery and processing~~
27 ~~of recyclable or reusable material from derelict buildings, and~~
28 ~~reimbursement for purchased recycled content materials used~~
29 ~~in the renovation of buildings. Special consideration may be~~
30 ~~given to communities that hire the unemployed to deconstruct~~
31 ~~structures, clean up the properties, and, if there is no~~
32 ~~immediate buyer for the properties, turn the properties into~~
33 ~~green spaces. Any business entity or individual engaged in the~~
34 ~~removal or abatement of asbestos must have obtained a valid~~
35 ~~license or permit as required in chapter 88B.~~

1 Sec. 21. Section 455E.11, subsection 2, paragraph a,
2 subparagraph (1), Code 2011, is amended by adding the following
3 new subparagraph division:

4 NEW SUBPARAGRAPH DIVISION. (0e) Not more than four
5 hundred thousand dollars to the department for purposes of
6 providing funding assistance to eligible communities to address
7 abandoned buildings by promoting waste abatement, diversion,
8 selective dismantlement of building components, and recycling.
9 Eligible communities include a city with a population of five
10 thousand or fewer. Eligible costs for program assistance
11 include but are not limited to asbestos and other hazardous
12 material abatement and removal, the recovery processing
13 of recyclable or reusable material through the selective
14 dismantlement of abandoned buildings, and reimbursement for
15 purchased recycled content materials used in the renovation of
16 buildings. For projects that support community beautification,
17 the department may elect to administer funding to eligible
18 communities in collaboration with the organization awarded the
19 beautification grant in accordance with subparagraph division
20 (a), subparagraph subdivision (i).

21 Sec. 22. Section 455G.3, subsections 6 and 7, Code 2011, are
22 amended to read as follows:

23 6. a. For the fiscal year beginning July 1, 2010, and each
24 fiscal year thereafter, there is appropriated from the Iowa
25 comprehensive petroleum underground storage tank fund to the
26 department of natural resources two hundred thousand dollars
27 for purposes of technical review support to be conducted by
28 nongovernmental entities for leaking underground storage tank
29 assessments.

30 b. Notwithstanding section 8.33, moneys appropriated in this
31 subsection that remain unencumbered or unobligated at the close
32 of the fiscal year shall not revert but shall remain available
33 for expenditure for the purposes designated until the close of
34 the succeeding fiscal year.

35 7. a. For the fiscal year beginning July 1, 2010, there is

1 appropriated from the Iowa comprehensive petroleum underground
2 storage tank fund to the department of natural resources one
3 hundred thousand dollars for purposes of database modifications
4 necessary to accept batched external data regarding underground
5 storage tank inspections conducted by nongovernmental entities.

6 b. Notwithstanding section 8.33, moneys appropriated in this
7 subsection that remain unencumbered or unobligated at the close
8 of the fiscal year shall not revert but shall remain available
9 for expenditure for the purposes designated until the close of
10 the succeeding fiscal year.

11 Sec. 23. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.